

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/649,971	OGISO, KATSUHIKO	
	Examiner Faye Polyzos	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to submissions of 28 August 2003.
2.  The allowed claim(s) is/are 1-13.
3.  The drawings filed on 28 August 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Page 2.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE**

### ***Comment on Submissions***

1. This communication is responsive to submissions of 28 August 2003.

### ***Examiners Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Brian Formatoff on 25 May 2005.

The application has been amended as follows:

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 8 designated as Prior Art. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

### ***Allowable Subject Matter***

4. Claims 1-13 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, the prior art does not disclose or fairly suggest a method of measuring an inner size of an object to be measured where disposing a focal spot of radiation generating source, a center of a slit, and a center of a detector on a straight line to measure the inner size of a multilayer structure container as the object measured based on relationship between an

intensity distribution curve of damping on transmission obtained by the detector and a scan position.

The examiner notes that while it is known in the art to measure the inner size of an object to be measured by irradiating an object where the system comprises making the radiation generating source and a detector performing a linear scan relative to the object to be measured in an orthogonal direction (see for example *Willems et al -- US 6,377,654 B1*—Figs. 1-2 and col. 4, lines 62-67 and col. 5, lines 18-33), the prior art does not fairly suggest of a focal spot of a radiation generating source, a center of a slit, and a center of a detector where the measuring of the inner size of a multilayer structure container is measured on a relationship between intensity distribution curve of damping on transmission obtained by a detector and scan position.

Regarding independent claim 2, the prior art does not disclose or fairly suggest a method of measuring an inner size of an object to be measured where the slit and the detector perform a rotational scan relative to the object to be measured and disposing a focal spot of radiation generating source, a center of a slit, and a center of a detector on a straight line to measure the inner size of a multilayer structure container as the object measured based on relationship between an intensity distribution curve of damping on transmission obtained by the detector and a scan position

The examiner notes that while it is known in the art to measure the inner size of an object to be measured by irradiating an object where the system comprises making the radiation generating source and a detector performing a

linear scan relative to the object to be measured in an orthogonal direction (see for example *Willems et al -- US 6,377,654 B1*—Figs. 1-2 and col. 4, lines 62-67 and col. 5, lines 18-33), the prior art does not fairly suggest of a rotational scan by the slit and detector relative to the object or a focal spot of a radiation generating source, a center of a slit, and a center of a detector where the measuring of the inner size of a multilayer structure container is measured on a relationship between intensity distribution curve of damping on transmission obtained by a detector and scan position.

Regarding independent claim 3, the prior art does not disclose or fairly suggest a method of measuring an inner size of an object to be measured where the radiation generating source comprises of a line-shaped focal spot of a predetermined length and to measure the inner size of a multilayer structure container as the object measured based on relationship between an intensity distribution curve of damping on transmission obtained by the detector and a scan position.

The examiner notes that while it is known in the art to measure the inner size of an object to be measured by irradiating an object where the system comprises making the radiation generating source and a detector performing a linear scan relative to the object to be measured in an orthogonal direction (see for example *Willems et al -- US 6,377,654 B1*—Figs. 1-2 and col. 4, lines 62-67 and col. 5, lines 18-33), the prior art does not fairly suggest of a rotational scan by the slit and detector relative to the object or a focal spot of a radiation generating source, a center of a slit, and a center of a detector where the

measuring of the inner size of a multilayer structure container is measured on a relationship between intensity distribution curve of damping on transmission obtained by a detector and scan position.

Regarding independent claim 4, the prior art does not disclose or fairly suggest a method of measuring an inner size of an object to be measured comprising of a line sensor having line-shaped detection portion of a predetermined length along a line-shaped focal spot and where the radiation generating source comprises of a line-shaped focal spot of a predetermined length to measure the inner size of a multilayer structure container as the object measured based on relationship between an intensity distribution curve of damping on transmission obtained by the detector and a scan position.

The examiner notes that while it is known in the art to measure the inner size of an object to be measured by irradiating an object where the system comprises making the radiation generating source and a detector performing a linear scan relative to the object to be measured in an orthogonal direction (see for example *Willem et al -- US 6,377,654 B1*—Figs. 1-2 and col. 4, lines 62-67 and col. 5, lines 18-33), the prior art does not fairly suggest of a rotational scan by the slit and detector relative to the object or a focal spot of a radiation generating source, a center of a slit, and a center of a detector where the measuring of the inner size of a multilayer structure container is measured on a relationship between intensity distribution curve of damping on transmission obtained by a detector and scan position.

The remaining claims 5-13 are allowable based on their dependency.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Polyzos whose telephone number is 571-272-2447. The examiner can normally be reached on Monday thru Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP



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